YOUTH AUTHORITY Quarterly

Five Views on New Case Law and Legislation

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A NEW HORIZON IN CORRECTIONAL LAW

BY RANDY STOKES

Ms. Stokes is a member of the legal staff of the Department of the Youth Authority

The 1976–77 years have been a landmark period in California for the initiation of new laws which bear on how the criminal justice system deals with its offenders, both juvenile and adult. The advent of the Olivas decision, of AB 3121 and SB 42 are having a powerful effect on the way the courts and correctional agencies deal with offenders. Here, the author explains the significance of the new legislation and case law and sets the stage for the varying opinions expressed by the authors of the articles which follow.

Assembly Bill 3121 (Stats. 1976, Ch. 1071) initiated extensive changes in California juvenile law. While Youth Authority procedures are not directly impacted by the bulk of the changes, the Authority is concerned about any significant innovations in this area. Not only does approximately half the Youth Authority's population come from the juvenile court, but the Department is also responsible for juvenile delinquency prevention programs, probation subsidy, and establishing standards for juvenile halls, Youth Service Bureaus, etc. The following is a summary of the new law which, it is to be hoped, will put the other articles in this volume into a better perspective.

Some people see AB 3121, in its final form, as a compromise between conservative and liberal forces or between the "law and order" and the rehabilitation interests. Whatever labels one puts on the forces involved in the bill's creation, the bill itself appears to be another step in the re-evaluation of the place of the rehabilitation process in the juvenile system.

Ever since the beginning of the juvenile justice system in this country, the provision for rehabilitative treatment rather than punishment has been used as a justification for the denial of due process rights to minors in juvenile court. In recent years, however, this rationale has been eroded by the courts.

The landmark U.S. Supreme Court decision *In re Gault* required many due process rights to be extended to juveniles. These rights included notice of charges, privilege against self-incrimination, rights to confrontation of witnesses, representation by counsel, transcripts, and appellate review. The *Gault* court was not convinced that the rehabilitation process was so benevolent as to justify denial of due process. Since *Gault* was

decided in 1967, the courts have extended to juveniles all other constitutional due process rights except right to bail and public jury trial.

Recently the Cal. Supreme Court, *In re Olivas* (1976) 17 Cal 3d 236, decided that rehabilitation was not a sufficiently compelling purpose to justify keeping a young adult committed from criminal court incarcerated in the Youth Authority for rehabilitation longer than he could be confined in jail or prison as punishment. The *Olivas* decision, while not applicable to juveniles, was another step in the realization that rehabilitation was no longer an all-purpose justification for unequal treatment.

The new law continues the trend away from reliance on rehabilitative treatment as the sole purpose for bringing minors before the juvenile court. Welfare & Institutions Code Section 502, which sets out the purpose of the juvenile court law, was amended to include protection of the public and imposition upon the minor of a sense of responsibility for his own acts. This amendment reflects growing public concern over juvenile crime. But the care and welfare of the minor is still the most important part of the juvenile justice system. For this reason, the new law also attempts to establish new avenues of treatment.

New Contract Between Law Violators and Status Offenders

The most important aspect of AB 3121 is the creation of a greater distinction between law violators (described in Welfare & Institutions Code Section 602) and status offenders (described in Welfare & Institutions Code Section 601 and including runaways, truants, curfew violators, incorrigibles, etc.).

Contrast in the Adjudication Process

The new law makes the adjudication process for juvenile law violators more like the adult court process. The district attorney, rather than the probation officer, now files all petitions for law violators, represents the people during the adjudication process, and makes motions for fitness hearings to transfer minors to adult court. He/she also specifies each count of the allegation as a felony or a misdemeanor. Previously the district attorney appeared at the request or consent of the court and then only if the minor had counsel.

The juvenile court must now use the rules of evidence applicable in criminal court. The court must also declare in its order of findings whether a "wobbler" is a felony or a misdemeanor.

The new law also facilitates the transfer of serious offenders to the adult court. Sixteen or 17 year-olds accused of one of the serious violent crimes found listed in Welfare & Institutions Code Section 707 now have the burden of proving their fitness to be handled in juvenile court if the D.A. makes a motion for a fitness hearing. In addition, the adult court can sentence such a person to state prison, after considering a diagnostic report submitted by the Youth Authority.

In contract, '601' petitions for status offenders will continue to be handled by probation officers, although, as under previous law, the district attorney may appear at the request or consent of the court, if the minor has an attorney.

Contrast in Detention Procedures

Under previous law a minor picked up for a law violation could be detained pending court action if there was, among other things, an "urgent and immediate" necessity for the protection of the person or property of another. That standard has been reduced to "reasonable necessity" by the new law. In addition, the circumstances and gravity of the alleged offense may now be considered.

The new law also provides alternatives to detention or release to parents. Counties may operate or contract for nonsecure detention facilities for nondangerous and nonescape risk minors. These facilities would be especially useful for minors whose parents cannot be located.

In addition, minors who meet the criteria for detention, but also meet certain other criteria (such as effective parental control, lack of danger to others, etc.) may qualify for home supervision. Home supervision requires close supervision by the probation officer or the officer's aide. Caseloads are not to exceed 10 minors.

Status offenders, under the new law, cannot be detained in locked facilities. Although they may be taken into temporary custody by a peace officer, they must be detained in nonsecure facilities pending court action. The obvious problem with this type of detention is that a runaway can simply run away from it (perhaps after having a meal and a shower). Even if parents are notified, they may not arrive before the child takes off again.

On the other hand, this type of detention prevents the spectacle of a troubled child, perhaps one running from an abusive home, being locked in juvenile hall with murderers, burglars and rapists. Even if status offenders are separated from law violators, juvenile halls frequently present an intimidating, jail-like atmosphere. Whatever one's view of the suitability of that type of atmosphere for minors accused of law violations, it is obviously ill-suited to help a troubled child who has not committed any crime.

Contrast in Disposition Alternatives

One of the most controversial distinctions between law violators and status offenders resulting from the new law is the permissible dispositions now available for minors falling within each category.

The juvenile court retained all of the alternatives it had under previous law for disposition of law violators. In addition, minors who have committed one of the serious violent crimes listed in Welfare & Institutions Code Section 707(b) and are not remanded to adult court, can be subject to the jurisdiction of the juvenile court and the Youth Authority until their 23rd birthday (rather than until 21 as under the old law). However, no minor can be confined for any time in excess of the maximum term of imprisonment that would apply to an adult convicted of the same offense.

It is the latter provision that has had the greatest impact on the Youth Authority, since it will indirectly force us to apply the complex sentencing provisions of the new determinate sentencing law, SB 42, which is scheduled to go into operation in July. The Youth Authority has the added complication of having to deal with misdemeanors as well as felonies. The Department must also make two types of parole calculations. Youthful adult court commitments are limited, by the *Olivas* decision, to parole time not to exceed the time a person sent to the Department of Corrections could receive. The new law does not extend this rationale to juveniles who can be kept on parole until age 21 or 23, depending on the type of offense.

It is the limitations on the disposition of status offenders that has raised the greatest controversy. These minors can no longer be placed in any type of secure facility. The court can order probation supervision or a variety of nonsecure placements, such as, foster homes, group homes, etc. They can no longer commit a status offender to a juvenile camp, ranch, or school or any other locked facility. The counties are authorized to develop alternative resources to handle troubled youngsters.

This new approach requires that a great deal more thought be given to treating the problems of runaways, truants, etc. No longer can they be thrown in locked facilities with burglars, murderers and other law violators for lack of better alternatives. Unfortunately the development of such treatment alternatives will be expensive and no money was appropriated by the legislature to implement the law. Until such alternatives are developed some counties will find themselves with few realistic options for handling runaways, truants, etc.

Many critics of this aspect of the new law feel that some status offenders must be locked up in order to be treated. Runaways and other problem children may not voluntarily participate in counseling, etc., where they are free to leave a facility; but, they may need the protection from the exploitation they could become victims of on the street. A few courts tried to solve this problem by holding that a minor, who violates a court order by running from a nonsecure facility, was a law violator who could then be locked up. This type of holding is contrary to the intent of the new law. The legislature removed violation of a court order from the description of someone coming under Welfare & Institutions Code Section 602.

The lack of confinement alternatives also leaves parents of uncontrollable children with no "back up." They are responsible for the actions of their children, but no one can force children to get help until they have actually violated the law. Legislation is being considered at this time to allow secure facilities to be utilized for children who have walked away from unlocked placements.

Summary

AB 3121 does not amount to a radical departure from previous law. However, it does suggest that rehabilitation is no longer viewed as a single medicine to be given to any minor who has problems (or who creates

problems). Children who need help, but who have not broken the law, must be offered treatment, but now cannot be locked up to ensure that they receive it. This restriction should inspire new treatment methods which can help non-captive clients. Law violators are to be treated more like adults. Older minors, who commit serious crimes, will be presumed to be, if not beyond help, at least beyond the type of help available from the juvenile courts.

Parts of the new law have provoked great controversy, especially those parts which deal with the detention of status offenders. Some of these changes are viewed differently by spokespersons for the different parts of the criminal justice system and these views are enumerated by the authors of the articles which follow. The views expressed are made by representatives of probation, the judiciary and law enforcement. Although strong reservations may be expressed about certain aspects of the new legislation and case law, I feel there is general agreement that the law should be given a chance to work before it is substantially amended to take care of problems that may only be temporary. This is a view to which the Youth Authority strongly subscribes.

DETERMINATE SENTENCES: A TRIAL JUDGE'S REACTION

BY CLYDE SMALL

Mr. Small is Judge of the Superior Court in Shasta County

The dilemma of punishment vs. rehabilitation is discussed in this analysis by a member of the judiciary of the new legislation and case law. One need, as the author sees it: A deliberate and careful examination for long-term improvements in the system. Without such an approach, he concludes, the present structure is unlikely to last long.

In the last legislative term, the indeterminate sentence law which has acquired the status of an axiom in California corrections over several decades was suddenly swept away. The new wisdom, expressed in Senate Bill 42 (Chapter 1139), is that the consequences of crime must be fixed at the time of conviction by judgment and sentence, and that an inmate's behavior after commitment will do relatively little to either help or hurt him. Most of the main factors which previously affected length of term must now be proven judicially, before commitment, and the commitment order where several of these "enhancements" are present will take on some of the attributes of the heavier carbon molecules. Correctional staff will be able to do little either to intimidate or to encourage; the inmate will have the solace—said to be highly prized— of knowing from the time of his arrival in the walls how long he will have to endure state hospitality.

The traditional approach taken under the indeterminate sentence law upon adult commitments to the Department of Corrections was applied with even greater force to youthful offenders committed under the Youth Authority Act (Division 2.5 of the Welfare and Institutions Code). Those commitments comprehend two major categories. The first is commitments under the Juvenile Court Law, and includes essentially those under 18 years of age at the time the offense was committed. The second is young adults who have been tried and convicted in a criminal department of the Superior Court under the provisions of the Penal Code. The former was conceived not to be punitive at all, but purely rehabilitative, and the subject minor does not acquire a public "conviction record." A young adult committed out of the criminal court would have such a record, but the effect of the commitment, no matter what aggregation of felony convictions lay behind it, was only to give him a criminal record as a misdemeanor except for those punishable *only* by state prison.

Without regard to the euphemisms of the Juvenile Court Law or the Youth Authority Act, however, the Youth Authority had statutory power to retain the inmate in its custody for well beyond the six month or one year limit which is the normal maximum upon conviction of misdemeanor by an adult in criminal court. The term limits were fixed by the age acquired by the inmate during his commitment.

In *People vs. Olivas* (1976 17 C3rd 236, 131 CR 55), the California Supreme Court re-examined this feature of the correctional system in the light of recent U. S. Supreme Court pronouncements in the area of equal protection of the laws. It was unable to perceive any factual basis for this discrimination which was entitled to judicial respect. It concluded that an inmate committed to the Youth Authority as a young adult upon a misdemeanor conviction could not be incarcerated longer than an adult offender could be detained in the county jail upon the same conviction.

A third major vector in the correction field which emerged in the 1975–76 Regular Session was A.B. 3121 (Chapter 1071), which substantially recast the Juvenile Court Law. This enactment implies a legislative determination to expose serious juvenile offenders to processing in the same manner as adult criminals, at least to the extent of trial in a criminal department rather than in the Juvenile Court. The provisions of S.B. 42 may thus apply to some degree to these juveniles.

Though the fallout from these three upheavals has not even completely mingled and interreacted, let alone come to rest, the writer has recklessly undertaken to comment upon their effect upon the administration of criminal justice, upon the maintenance of correctional programs in institutions and prisons, and upon protection of the public.

Philosophical Orientation:

Legal scholars have long emphasized that a rule of law cannot be interpreted without recognition of the reason which underlies it. Once this rational current is detected the navigation of cases along it becomes safe, simple and expeditious.

The difficulty perceived in the instant situation is that there is no single "reason" underlying the enactments now in force. A conflict of correctional philosophies is flaring up, and the current which the trial judge is expected to follow in disposing of cases has a distressing similarity to the riptide which can be observed under the Golden Gate Bridge. One set of forces still emphasizes rehabilitation as the moral imperative and the sole promising path to success, while the other—now apparently in the ascendency—urges retribution in the same terms. Many adherents of each camp feel that they are divinely inspired, and dislike to part with any of their momentum for such tedious purposes as consulting others' experience or objectively considering opposition arguments. Unfortunately, this is precisely what needs doing. Until it is done in a deliberate manner, everyone in the correctional process will be forced to live with instability.

Without attempting to get into fine detail, it is safe to hazard that a correctional system, to remain workable and accomplish results, could conform to the ideals of neither extreme.

The reformers of 30 or 40 years ago, with too much sail and too little ballast, oversubscribed rehabilitation and oversold it to the public. Some convicts can be rehabilitated and some cannot; those who can must be taken in hand at the right time and be subjected to the right kind of

influences; these may vary considerably from one case to another. Sympathy and understanding are indispensable in some cases, and cause nothing but mischief if applied in others. Permissiveness is hardly the specific for someone whose state of mind is contempt for the rights of other people and disinterest in their sensibilities, but massive amounts of it have been prescribed and administered.

At the opposite pole, the angry resort to sanctions as the sole instrument for adjusting public behavior betrays much of the same state of mind which makes a man kick a sticking drawer. The offending condition may be intolerable, but it will not get any better with blind battering. There is plenty of time to swing the heavy hammer where discriminating diagnosis has shown that this is one of the minority of cases where a less destructive adjustment will not be more availing.

It remains true that both the public and the offender benefit when he is taught to live without preying upon his neighbor. Unnecessary removal from the productive community is as cruel and wasteful as the needless amputation of a leg which could be healed.

Impact Upon The Trial Courts

As intimated above, the first effect of these changes in the law at the trial court level will be a period of uncertainty, and this is expected to be aggravated by the extreme haste with which the two new acts were shaped into their final form in the last hours of the session. Each will present many questions of interpretation within its own four corners, and one can venture that neither was studied *in pari materia* with the other before final enactment. Different solutions will be adopted in different trial courts, and we can expect a large number of appeals to be generated over a period of several years until the published decisions impose settled interpretations. Many of these appeals will require the retrial of cases.

The new legislation specifically requires the conduct of formal hearings where none was previously necessary, as in the instance of fixing the base term for adult offenders.

Trial courts and the bar will probably modulate extreme practices in this area, since each has sharp limitations on the availability of time. This may lead in some counties to a more or less automatic acceptance of the medium term, without regard to its appropriateness. At the other extreme, it may generate lengthy hearings which will consume time, delay dispositions, and add little to a trial judge's ability to impose a suitable sentence.

The new procedural approach to determining fitness for trial of offenders between 16 and 18 as juveniles is obviously designed to encourage the certification of more vicious juvenile delinquents for trial as adults. A hearing in this background is not an innovation, since the prior law also required one, but the procedure was rarely resorted to in practice. There will probably be more hearings now, but the writer retains some skepticism that individual judges will make different dispositions than they made under the prior law.

The *Olivas* decision presents no real problem to trial judges, at least so long as it is confined to young adults. If the only basis for commitment is a misdemeanor, it should be exceptional to commit to the Youth Authority anyway. It is otherwise where the decision is extended to apply to juvenile court commitments, since a misdemeanor offense for younger people is often the symptom which shows that extended treatment in a residential setting is desirable for his welfare and—ultimately—that of the community. It is not believed that it is any kindness to either a youngster or to society to deny him effective correction under the guise of observing his "rights", since the only hope of many young people who have gotten off the rails in their middle teens is to be placed back on them in a structured institutional setting. This is not a decision which they are likely to make for themselves.

Effect Upon Correctional Programs

It is in this area that *Olivas* may have its most profound effect. Extended to commitments from the juvenile court by Section 30 of Chapter 1071 (amending Section 731 of the Welfare and Institutions Code), this rule will make it virtually impossible to run the minor through an adequate program where the occasion for the court's intervention is a misdemeanor only. This is particularly true when it is considered that he must be given credit for time served before deliver to the institution. Many of these young people are problems because they have had extremely poor parents. They often show astonishing progress when they are placed for an adequate time in a county ranch where the authority figures are firm, fair, consistent and effective in motivating their charges. The same is undoubtedly true in the Youth Authority, and would be more so if that authority were not burdened with so many extremely vicious inmates, who act as a contaminant to the rehabilitation process.

As to fixed-term commitments under S.B. 42, especially those for longer terms, the prisons are necessarily going to become residential communities rather than adjustment centers. Behavior adjustment programs and education cannot go on forever, and motivation will be hard to generate if there is no near prospect of realizing upon either. This will probably dictate more segregation as between short-term and long-term inmates, since it is hard to imagine a program which would be compatible for both. Indeed, the two classes are not usually otherwise compatible with each other.

To the extent the prisons become cold-storage facilities for the exiles from the free community, the criteria for staff selection and assignment will have to be re-examined. A correctional officer who is trained and motivated to rehabilitate would be under severe psychological pressure if detailed to a lifetime of merely enforcing confinement of the dangerously incorrigible.

Some urge that an indeterminate sentence law gives the staff leverage to control inmate behavior, since the effect of non-cooperation is logically to extend his term. Others charge that the nervous tension arising from

uncertainty as to his term makes the inmate intractable, and raises the temperature inside the institution.

The point may be moot, since recent Supreme Court decisions have taken away much of the authority which the correctional staff formerly held in fixing or setting terms, and S.B. 42 can thus be presented as a legislative recognition of a judicially imposed order of affairs.

Be that as it may, that form of leverage is no longer present. Moreover, little legislative or judicial interest has been displayed in identifying with the correctional officers, and viewing matters from their end of the telescope.

The most important consideration affecting the ability of state correctional institutions to fulfill their roles in either case is the re-establishment of a staff authority at the working level. Even a family or a business cannot run without authority, and the people who wind up in the state facilities are notoriously less docile than those who do not. Whether one accepts the idea that prisons are for punishment only, or holds out for the principle that the time in the institution should be made to count for betterment of the inmate, things will only get worse if the inmate does not get accustomed during his stay to observing rules and respecting those who are there to impose them.

The work of these officers is difficult and dangerous, but the public, the courts, and their superior officers have in common with them the necessity that their work be reasonably satisfying and productive.It cannot be so unless they receive understanding, recognition and support from the community, and respect from the inmates.

If the only authority which earns respect in the institutions is that of other inmates, that is the authority the prisoner will look to when he leaves the institution. There are distressing signs that this is a state of affairs that already exists, and that it is gaining headway. If the subject legislation does not improve matters, consideration should be given to enacting some that will.

Protection of the Public

The installation of the District Attorney as charging and prosecuting officer for delinquents under the Juvenile Court Law will probably tend to increase protection to the public. While there were many probation officers who have functioned very well in these roles, prosecutors in the writer's experience tend to identify more with victims of offenses and less with the accused, while many social workers are by formal training and temperament more disposed to identify with the defendant, who in those circles is sometimes referred to as the "client". The system is so structured that the probation oifficer many times never even sees the victim, but must repeatedly confront and respond to the defendant as a human being.

By taking decisions from civil service personnel in probation offices and correctional institutions, and placing them in the hands of local, elected officials, the new legislation makes the process more responsive to the views of the local electorate. Charging of juveniles is now in the hands of the District Attorney, and the fixation of terms of imprisonment will be

largely the prerogative of the Superior Court Judge. For good or evil, those officials must be prepared to account to their local constituents for the way in which they approach that responsibility. Under the old system, no one was thus accountable, and this has contributed in no small part to the feeling of frustration and indignation which has been developing in the public.

One fortunate byproduct of this development is that judges and prosecutors will be under more pressure to explain and interpret the correctional process to their constituents. The public has excellent judgment, but remains ignorant of many of the factors in the administration of criminal justice because the people who understand them do not have the means, or do not take the time, to explain them.

The public does understand one thing very clearly, and that is that the rights of persons accused or convicted of crime can be enlarged only at the expense of a correlative reduction in the rights or immunities of other persons. Over the past three decades, the advocates for the criminal defendant have accomplished a substantial shift in his favor, and the new legislation is an indication that, in influential quarters, the pendulum has begun to swing in another direction.

The real protection of the public will not lie merely in the reversal of the pendulum, however much exultation that may raise in some bosoms. Though it is not presently fashionable to say so, rehabilitation still remains the most advantageous goal of the correctional process, and it is a goal that can be realized in the huge majority of cases if proper methods are employed. The essential need is to show the offender the path to self-respect, which is the essential foundation for respect for others. This rich and resourceful civilization has given little priority to this task, and what has been done has all too often been undertaken in an atmosphere of haste and adolescent excitement.

What we must understand is that the purpose of the whole process is to affect human behavior, and we must search out those means which really do affect it in such a way as to achieve the desired result. A rancher, after all, does not put a charge in his electric fence which will incinerate his cattle, but an amount—and only that amount—which will suffice to keep them in the desired area.

We must also sorrowfully accept the fact that some criminals—fortunately a small minority—should not ever be released to circulate in the free community. For them rehabilitation is a myth, and any fixed term merely a respite for the rest of the public.

The public would be best served if the legislature appointed a select committee, including both its own leaders and persons of proven ability and experience from various areas of the correctional process, to systematically evaluate the entire problem over a period of one or two years. With that kind of deliberate examination, recommendations might be formed which would truly refine the processes of criminal justice administration, and lay down a foundation upon which we may all build for the next several generations. Without overhaul, it is unlikely that the present structure will suffice for that long.

JUVENILE JUSTICE CHANGES

BY PETER J. PITCHESS

Mr. Pitchess is Sheriff of Los Angeles County.

A leader in California Law enforcement takes a look at the impact of recent legislation and case law and finds that what has been done can lead to new problems which require new solutions.

The Juvenile Justice System in the United States has increasingly become the focus of widespread attention. This attention, manifested by the courts, all levels of government, and our American society, has led to many changes, especially in the past decade. We witnessed the transformation of juvenile court hearings from informal proceedings that sought any information relative to the case at hand, to a true adversary system requiring proof beyond a reasonable doubt, strict adherence to the rules of evidence, and assurances of complete due process of law for the minor. In actuality, juvenile court hearings today are almost identical to adult criminal trials—the primary distinctions being the absence of a jury and the prohibition of the public at the juvenile proceedings.

The police, the courts, and other public and private agencies have become heavily involved in diversion techniques as an alternative to the formal court process of handling juvenile matters. Diversion of selected offenders to community-based organizations and away from the juvenile justice system has become established as a viable delinquency prevention technique.

A variety of complex factors has been responsible for bringing about these changes:

—The public has become increasingly dissatisfied with the alarming rise of violent, juvenile crime.

—The juvenile courts are overburdened by the volume of youths referred for processing and detention facilities have become overcrowded.

—The appellate courts have mandated change in a number of landmark cases.

—Society has generally been unable to formulate constructive solutions to the multitude of social problems that impact youth.

These phenomena have clearly pointed out the need for seeking new alternatives and innovations for the juvenile justice system.

Last year there were a number of significant modifications to California's juvenile justice system. Governor Brown signed Assembly Bill 3121, giving a major facelift to the Arnold-Kennick Juvenile Law. All Welfare and Institutions Code sections concerning dependency cases were completely renumbered by another assembly bill—Assembly Bill 2172. The Determinate Sentencing Act of 1976 was given to us by Senate Bill 42 and this will have some application to juvenile cases. The California Supreme Court, in the *Olivas* case, had the effect of limiting the period of confinement for young adults committed to the Youth Authority by the adult courts for misdemeanor offenses.

ASSEMBLY BILL 3121

Enacted as Chapter 1071 of the Statutes of 1976, Assembly Bill 3121 represents a major alteration of juvenile law in California. While a thorough discussion of the many changes made by this bill are beyond the scope of this article, we should consider some of the major provisions of the new law.

Role of the District Attorney

The prosecuting attorney's role in juvenile court was greatly expanded by Assembly Bill 3121. The new legislation mandates that the people be represented by the District Attorney at juvenile proceedings in 602 WIC cases. This provision of the law is an absolute necessity to ensure fairness in an almost totally adversary process. Since the *Gault* decision in 1967, the minor has had the right to counsel at the hearings and the people ought to be equally represented.

Juvenile petitions will now be filed by the district attorney in delinquency cases, instead of by the probation officer. This will help ensure the legal sufficiency of the cases filed.

When the probation officer fails to proceed on an application for a petition alleging the minor to be a person described by Section 602 WIC, the applicant may now apply to the prosecuting attorney for review of the probation officer's decision. Previously, this review was the responsibility of the presiding judge of the juvenile court. Some problems are experienced where this review is handled on a decentralized basis within the office of the district attorney. A given petition may be filed by one attorney and rejected by another, depending on their individual interpretations and personal philosophies. In order to avoid such inconsistencies by review attorneys, this review process should be centralized within the district attorney's office and conducted by one or a limited number of deputy district attorneys.

Fitness Hearings

Assembly Bill 3121's amendment to Section 707 of the Welfare and Institutions Code makes it somewhat easier to declare certain minors unfit for juvenile court and transfer their case to the adult court. When a 16- or 17-year-old minor commits one of 11 specified felonies, a rebuttable presumption now exists that he is not amenable to the care and treatment

provided by the juvenile court. The juvenile court does, however, retain original jurisdiction. This addition should help to impose a sense of responsibility upon the minor for his own acts and provide greater protection for the community.

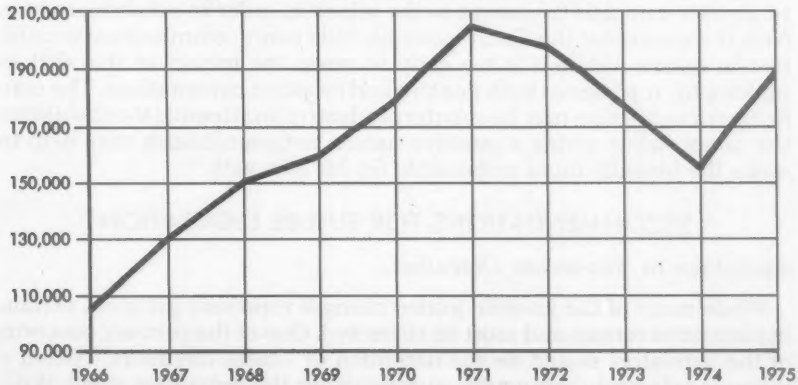
Deinstitutionalization of Status Offenders

A major concern of Assembly Bill 3121 is the deinstitutionalization of "status offenders" (minors whose acts are unlawful solely because of their age). A minor taken into custody upon the ground that he is a person described by Section 601 WIC may not be detained in any secure facility. He may only be detained in a sheltered-care facility, crisis solution home, or other non-secure facility. Section 601 has also been expanded to include curfew violators and those 601 minors who violate court orders.

Pre-delinquents who escape from non-secure facilities or who fail to obey lawful orders of the juvenile court can no longer be detained in a secure setting. This provision has the effect of stripping the juvenile court of its authority to treat '601' minors. While the judge may make court orders concerning these minors, he has no real power to enforce the orders. The most logical result of this provision will be a refusal by the court to hear Section 601 cases.

Perhaps the most serious implication of the inability to effectively deal with the "status offender" relates to the runaway juvenile. A crisis situation exists in this country with children who run away from their parents. Figure 1 below illustrates the magnitude of this problem. Approximately 102,000 runaways were arrested nationally in 1966. This figure doubled in 1971 and in 1975 over 189,000 minors were arrested for runaway. These figures represent only cases reported to the Federal Bureau of Investigation. Considering those cases that were not reported, the FBI estimates that the total number of runaways in 1975 was actually about 250,000.

Figure 1—Runaway Arrests in the U.S.*



*SOURCE: *FBI Uniform Crime Reports*, 1966–1975.

Alone and defenseless in a strange city, these runaways become targets for a wide range of abuse. Runaway children are easy prey for rapists, child molesters, narcotics dealers, and other members of the criminal element who force them into prostitution, the making of pornographic films, and other dissolute practices.

Runaways and other minors taken to non-secure facilities under the new law are immediately free to escape from the place of detention. Explaining to parents that their missing child has been found and then ran away from the detention facility is a traumatic experience that is heartbreaking to the parent and frustrating for law enforcement. Unless this inadequacy of the law is corrected, there will be little hope of finding viable solutions to the runaway child syndrome.

SENATE BILL 42 AND THE OLIVAS DECISION

Senate Bill 42 gave us the Determinate Sentencing Act of 1976 which, through AB 3121, will have some application to juvenile cases. Though it contains serious weaknesses requiring some corrective legislation, the Determinate Sentencing Act is based on a sound theory. To be effective, justice should be swift and certain. Two often under the old law, convicted felons were released after serving only a fraction of their maximum sentence. An uncertain punishment is unfair to both the criminal and society.

In the case of *People v. Olivas,* the California Supreme Court mandated that young adult offenders cannot be required to serve longer sentences under the Youth Authority than they would receive under general criminal laws. It especially affected those sent to the Youth Authority for misdemeanor offenses. Assembly Bill 3121 extended this restriction to juveniles, stating that juvenile commitments can be no longer than the maximum sentence an adult would receive for the same offense.

Punishment Versus Rehabilitation

In past years the philosophy of California's Juvenile Court Law has been to provide care and treatment to the minor in order to rehabilitate him. Now it appears that the Court views juvenile court commitments as punitive in nature. While it is too early to assess the impact of this shift in philosophy, it possesses both positive and negative connotations. The confinement restriction may be counterproductive to attempts to rehabilitate the minor, while giving a punitive nature to commitments may help to make the juvenile more responsible for his own acts.

RECOMMENDATIONS FOR FUTURE LEGISLATION

Exceptions to Non-secure Detention

While many of the juvenile justice changes represent progress, certain inadequacies remain and must be corrected. One of the primary concerns of the legislators should be the detention of "status offenders." When a minor is taken into temporary custody under the provisions of 601 WIC, he should, unless released, be detained in a secure setting for a period of

up to 48 court hours so that proper placement and the need for continued detention can be effectively evaluated. Secure detention criteria should be developed as an exception to non-secure detention in the following cases:

(1) The minor has violated a court order.
(2) The minor has escaped from a non-secure detention facility.
(3) The minor is likely to flee the jurisdiction of the court.
(4) The minor is a runaway from another state.
(5) The minor is a danger to himself or others.

Funding of State Mandated Program

While Assembly Bill 3121 made extensive demands upon local governments, it provided no funds for implementation of the required procedures. The burden of the increased expenditures arising from the new legislation cannot be borne at the local level without corresponding tax increases; therefore, it is imperative that legislation be enacted to provide reimbursement to the counties for these expenditures.

Funds should also be provided by the State to probation departments for the purpose of transporting '601' minors to non-secure facilities. The use of patrol units to transport juveniles to remote shelter-care houses is an intolerable situation which creates a shortage of officers available to answer emergency calls. This transportation function should be handled by the probation department—the agency responsible for the care and custody of these minors.

The foregoing has shown us that the Juvenile Justice System is in a state of flux. Only by keeping ourselves appraised of all changes that are occurring can we hope to identify workable solutions within the problem areas.

CAN THE JUSTICE SYSTEM MEET THE CHALLENGE?

BY MARGARET C. GRIER

Miss Grier, chief probation officer of Orange County, is also President of the Chief Probation Officers of California.

Recent legislation and case decisions in California have, and will, substantially impact the operation of statewide justice system agencies and how they can deal with adult and juvenile clients. The author finds that legislation should not limit the search for a variety of methods to provide community protection and individual rehabilitation.

Public debate regarding the effectiveness of the criminal justice system appears on the rise in this country. A growing national concern for public safety and local taxpayers refusal to fund public agencies which do not produce quantifiable results have been translated into far-reaching pieces of legislation affecting the justice system of this state. The most recent and significant legislation to have substantial impact on the operation of statewide juvenile and adult justice agencies in how they will deal with the person who comes within their jurisdiction came out of the 1976 legislative session in Sacramento—Assembly Bill 3121 (Julian Dixon, author, et al), and Senate Bill 42 (John Nejedly, author, et al).

AB 3121 became effective as the Juvenile Court Law, on Jan. 1, 1977, and basically deals with the extremes of the juvenile justice system—the "status offender" at the one end and the sophisticated "hardcore" or "602" offender at the other.

The philosophical intent of AB 3121 was to limit the extent of penetration of "status offenders" into the formal justice system by providing community alternatives to Juvenile Hall "lock-up," such as shelter care homes and crisis resolution facilities. Theoretically, these children would not be in the justice system but for their age, as it is argued they have committed offenses which are not illegal for adults. The separation of these status offenders from "hard core" '602' wards would, purportedly minimize the "polluting effect" and the "manufacturing" of criminals attributed to institutionalization. Most professionals will note that a significant number of these youngsters are not simple school truants or "back-talkers" to Mom and Dad (They, in all likelihood, would never see the inside of an institution, having been diverted long before a trip to Juvenile Hall). A number of the youths falling into this category require, and at times request some type of secure setting during episodes of severe personal crisis. Under AB 3121, the family which has exhausted other available methods to deal with a child's emotional problems has been denied this

avenue of assistance. The majority of these children are referred for chronic runaway behavior; and in addition, are exhibiting combinations of behavioral patterns which, primarily, make them potentially dangerous to themselves. These are the youths who are perpetually on the streets—susceptible to drugs, sexual abuse, disease and physical danger. Is a non-secure reception center from which a minor can walk away, often before the parents can respond, a responsible alternative for child, parent or community? No, instead, the new limitation of alternatives initialed by AB 3121 adds to the feelings of frustration and helplessness already experienced by staff, police and parents who must work with these children.

Those who wholeheartedly support AB 3121 as the most progressive piece of justice legislation in the last century counter that community-based programs providing "safe houses" and crisis resolution facilities are the answer to the problem of every "status offender". To date, there does not appear to be an overwhelming onrush of volunteers to provide these services outside of the justice system. Quite to the contrary, many communities resist group homes and halfway houses and the experience in Orange County has demonstrated that it can take up to four years to establish one facility. With this kind of timetable, the net result has been a loss of valuable resources and the reduction of services to a segment of the community that has a dramatic need for increased services.

Along with other individuals and groups, the Chief Probation Officers of California is responding to these problems by working with legislators to bring about the appropriate modifications in the law which will allow for the most responsible approach and optimal treatment of those individuals coming within the provisions of AB 3121.

In the interim, some members of the justice community have taken immediate steps to protect these children. For example, the Presiding Juvenile Court Judge of Orange County, the Honorable Raymond F. Vincent, has issued an order to the '601' offenders placed at the county's nonsecure facility essentially to remind them that if they choose to run from the center they will be in violation of Section 166.4 (Willful Disobedience of a Court Order) of the Penal Code, and once apprehended, be subject to lodging at the Juvenile Hall (a secure facility). The legality of this measure has been challenged and is currently in the appellate court process; however, amendments to the Juvenile Court Law address the issue of secure detention of '601' offenders and such contempt procedure may no longer be needed.

AB 3121's other side—the "hard-core" '602' juvenile—seeks to tighten the hold of juvenile justice on those offenders who exhibit a clear and present danger to the community. The burden in certain cases has been shifted from proving a minor is unfit for Juvenile Court to proving he is a fit subject for such proceedings. Has this process of "remand" resulted in a higher commitment rate for serious offenders? In Orange County there were only four remand cases in the first quarter of 1977. This does not indicate a significant trend towards tightening up on "hard-core" offenders. The Juvenile Court retains the option of committing an of-

fender to the California Youth Authority for a serious "crime". While the option to impose a state prison commitment now exists for the Adult Court, further law has complicated this procedure so that it is unlikely that such a commitment would be made.

Court decisions are often forerunners of legislation and can significantly impact the justice system. For example, the 1976 *People vs. Olivas* (17 Cal 3d 236) decision limited the jurisdiction of the California Youth Authority over youthful adult misdemeanants referred from Adult Court to a period of time determined by the maximum "sentence" they could receive if sentenced to county jail or a maximum state prison sentence. This principle was incorporated into AB 3121 and expanded to include commitments of minors to local institutions.

Other provisions of the law which need to be closely scrutinized as they are implemented include the change of petition-filing responsibility from the County Probation Officer to the District Attorney's Office; creation of intensive "home supervision" programs which, in effect, release '602s' who otherwise meet the criteria for detention in a secure facility pending further hearing; the requirement for the Court to specify "felony" or "misdemeanor" in association with all counts sustained against a '602' juvenile; and finally, the basic philosophical change in the Juvenile Court Law indicating that one of its purposes is "to protect the public from criminal conduct by minors (and) to impose on the minors a sense of responsibility for his own acts" (Section 502 WIC). The results of these changes must be evaluated in light of the expressed purposes of providing better protection for society while maintaining the highest level of responsible service to children and their families.

SB 42, the Uniform Determinate Sentencing Act, is scheduled to take effect July 1, 1977. It presently appears that what is basically a total restructuring of the sentencing practices for adult offenders will also have a significant impact on all areas of the criminal justice system. Operationally, this bill eliminates the current pattern of sentencing represented by "commitment to the Adult Authority for the term prescribed by law" (such as five years to life) and substitutes a specific release date determined by a complex formula. Felonies will basically be divided into four time frame categories (Category I—16 months, two years, three years; Category II—two years, three years, four years; Category III—three years, four years, five years; and Category IV—five years, six years, seven years). The variation within these categories is related to the mid-term required for conviction of a specified offense plus a shorter-term and a longer-term capability based on mitigating or aggravating circumstances as determined by the Court during the hearing of the case. Additionally, there exists a series of "enhancements", situations that relate to a formula used to calculate additional time in custody when the offense is committed under conditions such as being armed with a deadly weapon or inflicting upon the victim great bodily injury. The complexity is further highlighted by the development of Sentencing Rules by the Sentencing Practices subcommittee for adoption by the California Judicial council as mandated by SB 42.

SB 42 Concerns

Some of the more serious concerns regarding SB 42 include: the limit on "enhancements" to five years no matter what the defendant's record, or severity of multiple crimes; the limit of parole time to one year (except for "life terms" which permit three years parole supervision) which does not take into consideration the specifics of the crime, the protection of the community during the parolee's reintegration into the community, or the needs of the individual; the bonus provided to all convicts in the form of standardized "good time" credit which may be earned; the impact of retroactivity of these sentencing practices and the potential release of prisoners on July 1, 1977, who are not ready to return to the community.

To plan for these changes, the Chief Probation Officers of California participated with such agencies as the California Department of Corrections, California Judicial Council, Office of Criminal Justice Planning and numerous local groups and statewide associations of professionals in the field, cosponsored in a statewide training session on May 25 and 26, 1977, in Oakland. The purpose of this training was to assist them in working within the new constraints/requirements of the law.

With the direction of the Judicial Council, the Chiefs' Association developed recommendations for standardized suggested formats and content for adult pre-sentence investigation reports, in order to enhance statewide consistency. Presentation of the investigation material is critical to the sentencing process due to the complexities of the new law and the potential for increased reliance on the Probation and Sentencing report in the judicial process. Input was solicited from such groups as the California District Attorneys' Association, the California Public Defenders' Association, California Youth Authority and California Department of Corrections.

SB 42 provides an important challenge to the probation profession and the opportunity to enhance probation services to the Courts via high quality and consistent pre-sentence investigation reports. If we fail to respond to the challenge in a positive and professional manner, we will be buried in the morass created by the increased workloads and erosion of professional responsibilities.

For our work with youth, one certain conclusion can be drawn from legislative and case law trends, we must strive to preserve and increase as many tools as we have available to meet these responsibilities. In a day when the complexity of our society is ever increasing, we should be looking toward an expansion of our treatment alternatives. If all of the countless studies which have been conducted regarding the criminal justice system have common findings they are that no one solution works for every person; human differences require "differential treatment" approaches; therefore, it seems inappropriate at this time to limit by statute the criminal justice system in this search for a variety of methods to provide community protection and individual rehabilitation—the goals of our profession.

THE NEW LAW IN FRESNO COUNTY

BY JAMES ROWLAND

Mr. Rowland is chief probation officer of Fresno County

The author, 1976–77 president of the California Probation, Parole and Correctional Association, looks at the potential benefits and problems of the new legislation and case law and concludes that even more can be done through local leadership rather than through legislative mandate. He concludes with a list of ideas to carry out such leadership.

The provisions and requirements of AB 3121 (hereafter referred to as the new law) are having significant impact statewide, and Fresno County is certainly no exception. Procedural, programmatical and fiscal impact was expected since the new law provides for some of the most significant changes in California's Juvenile Court Law since the passage of the original act in 1903. Although legislative intent is still being discussed by many and debated by a few, the legislation is here to stay, and it seems to reflect the frustration and concern about "California's juvenile crime problem", particularly in some sections of the state.

The new law has established policy for two groups of young people served by juvenile court. The court is now lunging toward full blown adversary proceedings for juveniles charged with violations of the law, and a significant movement in a different direction has been taken toward "desystematizing" and deinstitutionalizing the handling of predelinquent (601) young people.

This article will deal with "initial impact" of the new law in Fresno County after three months of operation. Obviously, impressions and concerns are quite tentative with very little statistical backup. It does appear that the impact is very significant, particularly with some court procedures and the amount of time required for juvenile court hearings. Other provisions have had little, if any, impact.

Approach to Planning

Fresno County's juvenile justice system agencies, both City and County, moved quickly to implement the provisions of the new law since many of the major concepts provided for are supported by most juvenile justice system workers. The county had already made decisions and allocated resources for non-secure detention and supervised home detention long before the legislature took its action on the new law.

Fresno County took a very serious approach to planning. A Deputy County Administrative Officer chaired an interdepartmental committee that included representatives from the Juvenile Court, Juvenile Justice

Commission, District Attorney, Public Defender, Probation and Law Enforcement. In addition, during November, three "work forces" were established: one on 601 policy and procedures, one on the 602 petitioning process and one on home supervision and detention control. The work force on home supervision and detention control was made up of Probation and Juvenile Hall representatives while the other two work forces included Probation, Law Enforcement and District Attorney. The work forces were very effective, and a good spirit of cooperation prevailed. An interagency committee will be convened during the summer to take a look at "Where has the new law brought us and where are we heading?"

The New Law In Operation

The new law is bringing about policy, procedural and program changes. It is influencing interagency relationships and also changing the community's perception of the juvenile court and juvenile justice system. The new law places greater stress on community protection and on the individual responsibility of young people before the juvenile court. This provision will probably have little impact throughout California since probation departments and juvenile courts have long recognized their role in protecting the community. Aside from giving speech makers new material and aside from clarifying the role of the juvenile justice system in the minds of legislators, the stress in the new law on community protection is probably unnecessary. The implementation and impact of the new law is as follows:

1. *Non-Secure "Attention"*—Fresno County opened two "community attention" homes for 601 young people during December 1976 with a deinstitutionalization grant from the Office of Criminal Justice Planning. Planning and development of these facilities started approximately a year earlier with a genuine commitment on the part of many citizens and staff to do everything possible to prevent or minimize the penetration of the '601' into the juvenile justice system.

   The two facilities, each with six beds, are operated by the Probation Department and are administratively placed under the responsibility of the Juvenile Hall Superintendent. Twenty-four hour, wide awake supervision is provided. The homes are in residential areas within the city of Fresno, and there have been no significant neighborhood problems; to the contrary, neighbors have assisted staff on more than one occasion.

   Originally, one of the homes was planned for girls and the other for boys, but population demands required that both homes be used for girls. Boys were placed in a newly opened home operated by the Economic Opportunities Commission.

This was also made possible by a deinstitutionalization grant. A third attention home will be opened in the near future that will be under the joint auspices of the Probation Department and Comprehensive Youth Services, a private agency.

The plan is to have the attention homes as community-based as possible. The Fresno Campfire Program has assigned a recreational specialist to the homes. In addition to recreational programming, the specialist will provide some follow-up services to the young people released from the homes. Crisis intervention counseling services are provided to the young people and parents by Social Advocates For Youth on a contractual basis. S.A.Y. is also providing training to staff assigned to the homes. The Foster Grandparent Program, with a proven and significant track record in the county's two juvenile institutions, is also getting involved in the attention homes. Staff are also in the process of recruiting volunteers and developing a ctizens advisory committee.

Fresno County was committed to nonsecure detention prior to the new law; the commitment has been reenforced in spite of some of the problems and challenges of "walkaways and runaways".

2. *Runaways*—The AWOL "runaways and walkaways" problem didn't come as a surprise to anyone who has labored in the juvenile justice system enterprise for more than two weeks, but the problem presents concerns and challenges, particularly when the runaways are 12, 13 and 14 years of age. After 30 days of operating the two attention homes, 65 percent of the girls had left and 35 percent of the boys had followed suit. We feel this rate was particularly high because most of the young people placed in the program during the first month were transferred from Juvenile Hall. The rate has significantly dropped for boys (we went 30 days without one runaway) and has dropped to approximately 50 percent for girls.

   Legislative action is needed to give the system some control over juveniles who run away from non-secure facilities, but the concept of non-secure detention for troubled and pre-delinquent youth is an excellent one in spite of the problems it presents.

3. *Non-Secure "Attention" Network*—It has already been stressed that Fresno County supports the concept of non-secure detention. We are also in the process of developing a "network" of nonsecure facilities that will not only increase the county's bed capacity for predispositional residential

care but will also provide an opportunity for some differential placements.

To date, the network includes the Probation Department's two attention homes, a 10-bed facility for boys that is operated by the Economic Opportunities Commission and a 6-bed facility operated by Comprehensive Youth Services, a private agency that is primarily concerned with dependent and neglected children. The network could become one of the most positive programs influenced by the new law regarding the 601's. The current plan is to use two homes for pre-dispositional placement, one for girls that have been to court but are awaiting special placement and one for boys also awaiting long term placement.

The network brings together for the first time the Juvenile Court, Probation Department, private agencies and community organizations interested in working together around the common purpose of providing early intervention services to young people who have been removed from their homes for non-delinquent but troubled behavior. In the final analysis, this is probably the most difficult group of young people to work with but for the first time we are obtaining some appropriate tools to work with (It's been a long time since 1903 when the Legislature decided to give the juvenile court authority to work with predelinquent young people.).

4. *Informal Probation*—Changes regarding informal probation required by the new law are good ones, and there has been an increased use of this provision even though we feel that '601' referrals have significantly dropped. More young people are being placed on informal probation with specific conditions and with more clear-cut services in mind than was the case prior to January. The increased use of informal probation applies to 601's and 602's. These are cases that were previously closed at Intake or "held" in Intake pending the resolution of a particular problem such as victim restitution. The new provisions for informal probation have not reduced the number of young people going to juvenile court. The new law should make informal probation more meaningful for everyone, particularly the young person involved, and should also give added impetus for interagency programs and service contracts.
5. *Supervised Home Detention*—In the writer's opinion, non-secure detention and supervised home detention are two of the most important and signicant provisions of the new law. Supervised home detention started in Fresno over a year ago

and has proven to be a viable alternative for staff and the Juvenile Court. The program is staffed by four Juvenile Hall counselors. Their caseloads are kept below 10, and during 1976, approximately 74 percent of the young people assigned to the program lived up to their home detention contracts. Only a small percentage were removed from the program because of a new law violation. Since January, 81 young people have been assigned to the program with only four committing new offenses prior to the court hearing. Virtual daily contact is maintained with the young people, parents and school representatives.

6. *District Attorney and Juvenile Court*—The new law places the District Attorney in Juvenile Court with all the rights, privileges and responsibilities of first class citizenship. Prior to January, the District Attorney was present in Juvenile Court as a guest observer and handler of contested jurisdictional hearings, and his role was to assist the Court and the probation officer. He is now present to represent "the people" at all stages of the process—detention, fitness, jurisdictional and dispositional.

While the probation officer still plays a major role in intake, investigations and in developing a recommendation regarding the need for a petition, the District Attorney now decides whether to initiate juvenile court action by filing the petition. The probation officer's decision not to recommend a petition can be appealed to the District Attorney for consideration. So we now have one division of the Executive Branch of government reviewing and overriding the decision of another division of the Executive Branch. This may or may not be a first in governmental services but it seems unique in California, and the development and ramifications of this provision should be watched, even though there have been very few appeals in Fresno (less than a dozen so far). In addition, the probation officer should be allowed to appeal to the juvenile court when the District Attorney decides not to file a petition.

Observers and students of California's juvenile justice system should also watch for and be concerned about the development of plea bargaining in Juvenile Court and the traveling companion of plea bargaining, "overcharging". While this may be a common practice in Adult Court, one must ask, "Is the present adult system really an appropriate model?"

7. ***Fitness Hearing***—**The number of fitness hearings have quadrupled in juvenile court since January, but there has been some leveling off observed in recent weeks. These are "707 a" hearings, and they consume a great deal of everyone's time—District Attorney, Public Defender, Probation and Court. To date, there have been no "707 b" hearings.**

Concerns For The Future

Many changes and improvements have been made in California's juvenile court law since the original enactment in 1903. While the legislative process can provide various legal safeguards, as well as a structure for the system to operate and can outline a turf for our society to handle and hopefully solve some problems, we are much too quick to look to the legislative function to do some special magic. Many citizens are expecting AB 3121 and SB 42 to in some way make things better, to make the streets safer and to improve the quality of justice for young people and adults. Experienced professionals throughout the system know these "dreams" will not come to pass by simply adding to or modifying California's many, many statutes. Juvenile and adult criminal justice system administrators, managers and staff could make headway within almost any structure provided by the legislature if certain conditions existed, conditions that can only be brought about by local leadership and not through legislative mandate.

The writer would like to offer several points and at the same time be presumptuous enough to suggest that if implemented over a period of years, they could make a big difference for young people, staff and California's concerned citizens. Obviously, the suggestions aren't really new or original but many of them have never been tried on a planned, continuous basis. The suggestions should be viewed as integral elements in an overall, comprehensive community based program. The elements are:

1. **Increased dispositional alternatives for all segments of the juvenile justice system.**
2. **Closer liaison and linkage between the juvenile justice system and the public schools.**
3. **Greater understanding and support of the juvenile justice system by the communities' decision makers.**
4. **Greater effort with research and program evaluation and increased program decisions based on evaluation.**
5. **Increased interagency coordination and cooperation.**
6. **Increased interagency programming.**
7. **More effort to develop technology on dealing with families and more effective ways of sharing information on existing technology.**
8. **More aggressive activity in the areas of parent education and parent accountability.**

9. **More aggressive activity in the areas of community education.**
10. **More effort to prevent and deal with child abuse and child neglect.**
11. **Increased citizen involvement in all juvenile justice system agencies including law enforcement.**
12. **Increased effort to involve capable and responsible young people in all aspects of community life.**

Parting Comment

AB 3121 is here to stay, but let's not forget that it's just a skeleton, not the whole body!

EDUCATION IN THE Y.A.

BY FRED TORRISI

Mr. Torrisi is an academic teacher at the Karl Holton School

This article introduces a new feature in *The Quarterly*—a section devoted entirely to education issues facing the Youth Authority. The author, Fred Torrisi, will be the section editor, and he will welcome contributions from teachers, administrators and other staff concerned with Education in the Y.A.

Wearing a blue suit and tie, Bill Stafford, age 32, enters the interview room. Tiny beads of perspiration form across his brow as he greets the five interviewers. Sitting down, Bill knows he's one of hundreds of applicants applying for a teaching position in the Youth Authority. The questions concerning his experience come one after the other, but one of them is crucial.

"Why do you want to teach students who, in some cases, have had a history of crime and often don't want to learn?"

In some form or other, the above question is asked in countless interviews for prospective teachers in the Youth Authority. It is an important one. For, as candidates like Bill Stafford soon learn, teachers also become involved with security procedures and treatment modalities. Hence, the question implies the close relationship of education to other branches of the department. Ultimately, the question is asked because young people committed to the Youth Authority are served in a total rehabilitative effort.

It is due to this relationship of education to other branches that an education section is being added to the *Y.A. Quarterly* beginning with the fall issue. The section will be devoted to educational programs and news on a continuing basis. Although the weekly *Staff News* provides education coverage, a separate section of *The Quarterly* will provide an alternate emphasis. Its purpose is to communicate educational awareness through longer articles among staff members and to explore further the relationship of education to the rest of the department.

The section will give education staff the opportunity to discuss program needs and changes. "There's a need for this," says Trumbull Kelly, administrator of education services. He adds, "Our curriculum and teaching methods are continually being reviewed and updated if we're going to offer worthwhile learning situations to our students."

In offering worthwhile learning experiences, teachers face challenges not normally found in a public school setting. Group achievement tests, for example, show mean reading and math scores around the sixth grade level for most Youth Authority students. In addition, studies indicate that a large portion of them have serious learning disabilities and a history of

previous school failure. In view of meeting these challenges, a separate section of *The Quarterly* will afford space to talk about successful programs and accomplishments.

Gordon Spencer, Karl Holton's supervisor of education, believes that educational accomplishments are easily measured. "The education department is one area that points to a visible product in terms of acquiring vocational skills or raising math and reading levels," he says. He also believes that these successful outcomes should be known. Says Spencer, "I hope instructors take advantage to discuss these things in *The Quarterly.*"

In the coming fall issue, school psychologist, John McDonald will discuss the question of learning disabilities as possible factors in delinquency. Increasing national interest in the question has prompted federal legislation that directly invites the Youth Authority's participation. In an article he will describe the cooperative efforts of the agency's six school psychologists who recently presented two workshops on learning disabilities.

In another discussion for the fall issue, arts and crafts instructor Bob Brown will argue that behavioral contracts can be used to teach beginning painting to educationally handicapped students. He will report on the step-by-step method to move students from simple discrimination of colors to subtle and creative aspects of painting.

In coming issues of the *Y.A. Quarterly* staff members are encouraged to submit any newsworthy item from a single paragraph to a full manuscript in the education section. Any education news about new developments and trends or interesting and successful programs in the Youth Authority may be sent to:

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With cooperation, educational awareness will not only further the relationships among departments, it will also further meet the educational needs of our students.

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